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EXAMINER

HANNE, SARA M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/925,258
Filing Date: August 09, 2001
Appellant(s): KU ET AL.

MAILED

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Technology Center 2100

Robert V. Wilder
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/12/06 appealing from the Office action
mailed 5/17/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Claim 21 was not rejected under 35

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USC 103(a) over Trueblood in view of Ohmori. Claim 21 was rejected under 35 USC 103(a) over Trueblood alone.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5675755	Trueblood	10-1997
6246407	Wilks et al.	6-2001
6292620	Ohmori et al.	9-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, 5, 11-12, 15 and 22-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Trueblood, US Patent 5675755.

As in Claims 1, 11 and 23, Trueblood teaches a method and user terminal enabling a user to enter input parameters of predefined characteristics to define how an entry panel window will be displayed (Col. 2, lines 50 et seq.), detecting a receipt for a request at the user terminal from an application on the remote server to present an entry panel window on the display (Col. 5, line 45 et seq.) and displaying the window according to the input parameters (Col. 6, line 64 et seq.) specified by the user (Col. 2 line 51 et seq.) and enabling the input of information by the user into the entry panel window in order to effect continuation of the application (Col. 5, lines 13-32 and Col. 16, line 20 et seq.).

As in Claims 2 and 12, Trueblood teaches a method and user terminal for specifying that a window should always be displayed on top (Col. 2, lines 50 et seq.).

As in Claims 5 and 15, Trueblood teaches a method and user terminal for specifying a perceptible alert in response to detecting an entry panel window (Fig. 12A, ref. 1208).

As in Claim 22, Trueblood teaches the user terminal to be a PC (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trueblood, US Patent 5675755 and in further view of Wilks et al. 6246407.

As in Claims 3 and 13, Trueblood taught the method and user terminal for presenting a display capable of specifying entry panel window parameters used to define characteristics of display as seen in the rejections of Claims 1 and 11 *supra* and a parameter for the entry panel window to always be displayed on top as in Claim 2. While Trueblood teaches the interface for changing an entry panel's display so that it is always on top, they fail to show the intermittent display, in Claims 3 and 13. In the same field of the invention, Wilks et al. teaches an interface similar to that of Trueblood. In addition, Wilks et al. further teaches intermittent display of the entry panel window (Column 4, line 65 - Column 5, line 10). It would have been obvious to one of ordinary skill in the art, having the teachings of Trueblood and Wilks et al. before him at the time the invention was made, to modify the interface for changing an entry panel's display taught by Trueblood to include the intermittent display method of Wilks et al., in order to obtain an option of bringing a window to the front at reoccurring intervals. One would have been motivated to make such a combination because a way to remind the user of a panel's existence without interference in other programs would have been obtained, as taught by Wilks et al.

Trueblood taught the method and user terminal for presenting a display capable of specifying entry panel window parameters used to define characteristics of display as seen in the rejections of Claims 1 and 11 *supra* and a parameter for the entry panel window to always be displayed on top as in Claim 2. While Trueblood teaches the

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interface for changing an entry panel's display so that it is always on top, they fail to show display at regular intervals, Claims 4 and 14. In the same field of the invention, Wilks et al. teaches an interface similar to that of Trueblood. In addition, Wilks et al. further teaches display on regular intervals of entry panel window (Column 4, line 65 - Column 5, line 10). It would have been obvious to one of ordinary skill in the art, having the teachings of Trueblood and Wilks et al. before him at the time the invention was made, to modify the interface for changing an entry panel's display taught by Trueblood to include the regular interval display method of Wilks et al., in order to obtain an option of bringing a window to the front at regular intervals. One would have been motivated to make such a combination because a way to remind the user of a panel's existence without interference in other programs would have been obtained, as taught by Wilks et al.

Claims 6-10 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trueblood, US Patent 5675755 and in further view of Ohmori et al., US Patent 6292620.

Trueblood taught the method and user terminal for presenting a display capable of specifying entry panel window parameters used to define characteristics of display as seen in the rejections of Claims 1 and 11 *supra*. While Trueblood teaches defining these parameters for the entry panel window's display, they fail to show the audio and visual alerts as available selectable parameters as recited in the claims. In the same field of the invention, Ohmori et al. teaches a interface similar to that of Trueblood. In addition, Ohmori et al. further teaches a field for selecting an audio alert, as in Claims 6 and 16, from several different audio alerts (Column 6, lines 17-24), as in Claims 7 and

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17, or a video alert, as in Claims 8 and 18, from several different video alerts as in Claims 9 and 19 (Column 10, lines 6-17). Ohmori et al. also teaches combining audio and video selections ("specify a desired portion of image and sound", Column 6, line 18) as in Claims 10 and 20. It would have been obvious to one of ordinary skill in the art, having the teachings of Trueblood and Ohmori et al. before him at the time the invention was made, to modify the entry panel window parameters taught by Trueblood to include the audio and visual alerts of Ohmori et al., in order to obtain an audible or interactively visible indication of an entry panel window's creation. One would have been motivated to make such a combination because a system for alerting users, who may have a handicap or may be preoccupied by another task, to the creation of a new window would have been obtained, as taught by Ohmori et al.

Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Trueblood, US Patent 5675755.

Trueblood discloses entry panel window modifications of Claim 1, 11, and 23 *supra* as used in a CPU. Trueblood fails to teach a wireless device as recited in the claims. It is notoriously well known that wireless devices existed at the time of the invention and were capable of the same operations as a CPU as used by Trueblood. Other devices like laptops, cellular phones, or any device using an operating system are also capable of implementing the method of Claim 1. The examiner takes official notice of this teaching. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a wireless device with the invention combining the use of the wireless technology with a method for customizing entry panel window parameters.

One would have been motivated to make such a combination because a window alert system for a wireless device would have been obtained.

(10) Response to Argument

Trueblood teaches a system for allowing the user to specify window visibility, for example an “always-visible” window. In accordance with the claims, Trueblood enables the user to specify the visibility parameter for an entry panel window so that it is displayed in accordance with the visibility parameter that has been set. Further, Trueblood teaches the user terminal receiving a request from the server to display the entry panel window (the server requests the user system to display the original window starting a new application Col. 6, lines 24-26 and the user requests a window to which the server responds by requesting the user system to display the window they had requested Col. 6, lines 28-49), thus the entry panel window is received from the server. The entry panel window is displayed according to the visibility parameter set by the user (Col. 2, lines 51-52). The user may input information into the entry panel window in order to effect continuation of the application (Col. 6, lines 24-27 explains how the user may input a new size of the entry panel window which will continue the application in a smaller size display window).

Before consideration of the arguments in the appeal brief, the examiner would like to point out a deficiency in the claims to keep in mind. The claims do not require the detecting step to be done after the enabling step where the user specifies entry panel window parameters. Therefore, it is conceivable, by the claims, for the user to first

receive a entry panel window on the display, then enable the user to specify parameters, and then display the received entry panel window according to the user parameters. Either way, the examiner supports the rejection of the independent claims by Trueblood.

In response to the applicant's arguments beginning on page 11, line 319 of the appeal brief stating "The 'always on top' feature of Trueblood teaches against the present invention since it does not allow an alert or 'action required' indication and makes it more difficult if not impossible for a user to work a second window application while waiting for the first window log-on screen to be generated.", the examiner feels these remarks are not consistent with the claimed subject matter and furthermore are not an accurate representation of what Trueblood does and does not teach. Trueblood states "Referring to FIG. 2, it illustrates a display device 200 that is simultaneously displaying two always-visible window 204 and 206 ..." (Col. 7, lines 17-19). Fig. 2 clearly shows windows 204 and 206 as not overlapping (Col. 7, lines 13-16).

The next argument of the appeal brief beginning on page 12, line 335 relates specifically to the claims. The applicant is improperly narrowing the limitation "entry Panel window" to a "log-on window" in line 342 of this page which reads "The term 'entry panel window' refers to the log-in panel or display window mentioned on line 1 of page 2, ...". This section cited from page 2 of the specification is within the background of the invention and may be considered admitted prior art. The claims read a "entry panel window". This limitation is interpreted as a window which receives entry or input. Trueblood teaches several instances in which the user may enter data into the panel

window. Trueblood teaches a window that the user may edit by input a new size of the entry panel window which will continue the application in a smaller size display window (Col. 6, lines 24-27). Trueblood explains the use of executing any application program with XWindows in accordance with the present invention (Col. 5, line 30), application programs inherently require some input from the user. Trueblood explains how multiple open word documents may be used with this system (Col 1, line 17-20), word documents are known to be used for user input for creation of a document. The section cited by the examiner regarding the air traffic control application inherently includes user input. Trueblood teaches input devices used to interact with the system (Col. 5, line 2). If an application is controlling anything, then it requires user input to continue. If it were an air traffic monitoring system, this may not be the case, however the cited section of Trueblood and the sections recited above clearly require user input.

In response to the arguments regarding the limitation "detecting receipt" (page 13, line 352 of the appeal brief), the examiner strongly disagrees. In order for a client to receive any page from a server, they must inherently receive a request from the server in order to display the page. This is clearly taught by Trueblood.

In response to the arguments regarding the limitation "in order to effect a continuation of the application" (page 13, line 371 of the appeal brief), the examiner would like to point out that this limitation is not expressly defined within the specification, therefore the broadest reasonable interpretation must be taken. Trueblood clearly teaches several instances in which the user may enter data into the panel window, which obviously continues the usage of "effects a continuation" of the application (Col.

6, lines 24-27 explains how the user may input a new size of the entry panel window which while continue the application in a smaller size display window, Col. 5, line 2 begins discussion of input devices to interact with the system, Col. 5, line 30 explains the use of executing application programs with XWindows in accordance with the present invention, Col 1, line 17-20 explains how multiple open word documents may be used with this system). Even further, the user may close the entry panel window (closing the window provide user input), which may affect continuation of said application negatively by termination of the window (Fig. 13A). The section cited by the examiner regarding the air traffic control application inherently includes user input. If an application is controlling anything, then it requires user input to continue. If it were an air traffic monitoring system, this may not be the case, however the cited section of Trueblood and the sections recited above clearly require user input.

Even further, the user may close the entry panel window, which may affect continuation of said application negatively by termination of the window (Fig. 13A).

In response to the arguments that Wilks fails to teach "intermittent display" or a display "at regular intervals" (page 15, lines 412-413 of the appeal brief), the examiner disagrees. Wilks teaches an input panel window (Col. 3, lines 45-51) that may be displayed intermittently on top of other windows (the window is focused, and then not focused Col. 5, lines 21-30) or at regular intervals (after a predetermined period of time, Col. 5, lines 4-5).

In response to the argument that Trueblood and Ohmori lack specific disclosure for detecting and enabling steps of the claims (arguments beginning Page 15, line 419), the examiner disagrees (see arguments regarding these limitations *supra*).

In response to the arguments regarding Claim 21, (beginning on Page 15, line 439 of the appeal brief), the examiner disagrees. The device on which the invention is implemented does not change the functionality of the system claimed. Wireless devices are not novel. It would be obvious to one of ordinary skill in the art, at the time of filing, that any website or client/server interaction such as the one claimed could be done through a wireless connection to a laptop just as easily as through a wired PC.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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